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IN THE UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

VICTORIA ROGER-VASSELIN,  
 KENNETH ARRICK, RICHARD KITTNER,

Plaintiffs,

v.

MARRIOTT INTERNATIONAL, INC.,  
 MARRIOTT OWNERSHIP RESORTS, INC.,  
 d/b/a MARRIOTT VACATION CLUB  
 INTERNATIONAL, RITZ-CARLTON  
 DEVELOPMENT COMPANY d/b/a THE  
 RITZ-CARLTON CLUB, RICK OWEN and  
 DOES 1-50,

Defendants.

Case No. C 04 4027(TEH)

**STIPULATION AND [PROPOSED]  
 ORDER RE MOTIONS *IN LIMINE***

Action Filed: August 5, 2004  
 Trial Date: June 27, 2006  
 Judge: Hon. Thelton E. Henderson



Whereas, this Court's Pretrial Order of December 21, 2005, requires counsel to meet and confer prior to filing motions *in limine*, and

Whereas, counsel for plaintiffs and defendants in the above-captioned case have met and conferred and reached agreement on certain of the proposed motions;

Now therefore, plaintiffs and defendants, by and through their counsel of record, hereby stipulate and agree that, during the jury trial of this case, this Court shall order and instruct, before trial and before selection of the jury, defendants, their attorneys, and their witnesses not to directly or indirectly mention, refer to, interrogate concerning, or attempt to convey to the jury in any manner any of the facts indicated below without first obtaining the permission of the Court outside the presence and hearing of the jury:

1. Any statement that Marriott International, Inc. or Marriott Ownership Resorts, Inc. dba Marriott Vacation Club International ("MVCI") or the Ritz Carlton Development Company dba Ritz Carlton Club ("Ritz Carlton Club") are not liable for Rick Owen's discrimination or harassment or retaliation on the basis that Mr. Owen's acts were outside the scope of his employment.

2. Any statement that Rick Owen was not a supervisor for MVCI.

3. Any evidence regarding plaintiff Kenneth Arrick's history of alcoholism.

4. Any evidence regarding plaintiff Kenneth Arrick's past suspension from the State Bar of Arizona.

5. Any evidence regarding plaintiff Kenneth Arrick or Victoria Roger-Vasselin's proceeds from the disability insurance they personally purchased.

6. Any evidence related to allegations of any party's use of illegal substances prior to employment at Marriott.

7. Any evidence regarding plaintiffs' marital histories.

8. Any evidence related to allegations of sexual harassment against plaintiff Richard Kittner.

9. Any evidence related to plaintiff Victoria Roger-Vasselin's claims of sexual harassment by her former employer.



1 In addition, plaintiffs and defendants, by and through their counsel of record, hereby  
 2 stipulate and agree that, during the jury trial of this case, this Court shall order and instruct,  
 3 before trial and before selection of the jury, plaintiffs, their attorneys, and their witnesses  
 4 not to directly or indirectly mention, refer to, interrogate concerning, or attempt to convey to  
 5 the jury in any manner any of the facts indicated below without first obtaining the  
 6 permission of the Court outside the presence and hearing of the jury:

7 1. Lawsuits against MSCI that do not involve failure to prevent discrimination,  
 8 retaliation, age discrimination or harassment.

9 2. Any evidence related to allegations of any party's use of illegal substances  
 10 prior to employment at Marriott.

11 Plaintiffs and defendants further stipulate and agree to the following: 1) that no  
 12 witnesses, other than the parties and their expert witnesses, shall be allowed in the  
 13 courtroom during trial; 2) that plaintiffs are not claiming economic damages for any denial  
 14 of promotion that is not listed in Exhibit A attached hereto and incorporated herein by  
 15 reference. Plaintiff Kenneth Arrick does not claim economic damages for any time prior to  
 16 2000. Plaintiff Victoria Roger-Vasselin does not claim economic damages for any time  
 17 prior to 2003; and 3) at all relevant times, defendant Rick Owen was an employee of MSCI  
 18 rather than the Ritz Carlton Club.

19 It is so stipulated.

20 Dated: June 5, 2006

s/James Boddy/s  
 James Boddy  
 Morrison & Foerster LLP  
 Attorneys for Defendants

23 Dated: June 5, 2006

s/Gay Crosthwait Grunfeld/s  
 Gay Crosthwait Grunfeld  
 Rosen, Bien & Asaro, LLP  
 Attorneys for Plaintiffs



ORDER

This Court, having reviewed the above Stipulation and good cause appearing, hereby enters the Stipulation as an Order in the trial of this matter.

It is so ordered.

Dated: June 6, 2006



Thelton E. Henderson  
United States District Judge



**Exhibit A to Stipulation and [Proposed] Order re Motions *In Limine***

	<b>Plaintiff</b>	<b>Position/ Location</b>	<b>Date Position Filled</b>
1	Arrick	Project Director, Singer Island Palm Beach Shores, FL	1998
2	Arrick	Sales Manager, Newport Beach Newport Beach, California	1998
3	Arrick	Director of Sales, Park City Park City, Utah	1998
4	Arrick	Project Director, Kauai Lihue-Kauai, Hawaii	1998
5	Arrick	Director of Sales, Boston Boston Massachusetts	1998
6	Arrick	Director of Sales, Singer Island Palm Beach Shores, Florida	1998
7	Arrick	Project Director, Maui Lahaina, Hawaii	1998
8	Arrick	Project Director, Doral Miami Florida	1998
9	Arrick	Project Director, Seaview Galloway, New Jersey	1998
10	Arrick	Project Director, St. Thomas St. Thomas, Virgin Islands	1998
11	Arrick	Sales Manager, Maui Lahaina, Hawaii	1998
12	Arrick	Project Director, Aruba Palm Beach, Aruba	1999
13	Arrick	Sales Manager II, Maui Lahaina, Hawaii	1999
14	Arrick	Sales Manager II, Maui Lahaina, Hawaii	1999
15	Arrick	Sales Manager II, Maui Lahaina, Hawaii	2000



**Exhibit A to Stipulation and [Proposed] Order re Motions *In Limine***

	<b>Plaintiff</b>	<b>Position/ Location</b>	<b>Date Position Filled</b>
16	Arrick	Sales Manager I, Maui Lahaina, Hawaii	2000
17	Arrick	Sales Manager I, Maui Lahaina, Hawaii	2000
18	Arrick	Sr. Sales Manager, Ko'Olina Kapolei, Hawaii	2000
19	Arrick	Project Director, Phuket Phuket, Thailand	2000
20	Arrick	Director of Sales, Lake Tahoe South Lake Tahoe, California	2001
21	Arrick	Director of Sales, Canyon Villas Phoenix, Arizona	2001
22	Arrick	Project Director, Doral Miami, Florida	2002
23	Arrick	Project Director, Legend's Edge Panama City, Florida	2002
24	Arrick	Director of Sales, Aspen Aspen, Colorado	2002
25	Arrick	Project Director, Kauai Lihue-Kauai, Hawaii	2002
26	Arrick	Director of Sales, Maui Lahaina, Hawaii	2002
27	Arrick	Project Director, London London, United Kingdom	2003
28	Arrick	Director of Sales, London London, United Kingdom	2002
29	Arrick	Director of Sales, Marbella Marbella, Spain	2004
30	Arrick	Director of Sales, Maui Lahaina, Hawaii	2004



**Exhibit A to Stipulation and [Proposed] Order re Motions *In Limine***

	<b>Plaintiff</b>	<b>Position/ Location</b>	<b>Date Position Filled</b>
31	Arrick	Project Director, St Thomas St. Thomas, Virgin Island	2004
32	Arrick	Project Director, Canyon Villas Phoenix, Arizona	2004
33	Arrick	Project Director, Phuket Phuket, Thailand	2004
34	Kittner	Director of Sales, Aspen Aspen, Colorado	2003
35	Kittner	Director of Sales, Palm Desert Palm Desert, California	2003
36	Kittner	Sales Manager, Newport Coast Newport Coast, California	2003
37	Kittner	Sales Manager, Newport Coast Newport Coast, California	2003
38	Kittner	Sales Manager, Newport Coast Newport Coast, California	2003
39	Roger- Vasselin	Director of Sales, Newport Coast Villas Newport Coast, California	1999/2000
40	Roger- Vasselin	Director of Sales, Canyon Villas Phoenix, Arizona	2000/2001
41	Roger- Vasselin	Sr. Sales Manager, Newport Coast Sales Newport Coast, California	2000
42	Roger- Vasselin	Director of Sales, Bachelor's Gulch Bachelor's Gulch, Colorado	2001
43	Roger- Vasselin	Project Director, Kauai Lihue-Kauai, Hawaii	2001/2002
44	Roger- Vasselin	Project Director, Aspen Aspen, Colorado	2003



**Exhibit A to Stipulation and [Proposed] Order re Motions *In Limine***

	<b>Plaintiff</b>	<b>Position/ Location</b>	<b>Date Position Filled</b>
45	Roger-Vasselin	Project Director, Canyon Villas Phoenix, Arizona	2004
46	Roger-Vasselin	Regional Director of Sales, Ritz-Carlton San Francisco San Francisco, California	2004